

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:	*	CHAPTER 13 CASE NO.
	*	
KEVIN WINN,	*	11-06730-PMG
	*	
DEBTOR.	*	
<hr style="width: 50%; margin-left: 0;"/>	*	
	*	
KEVIN WINN,	*	ADVERSARY
	*	
PLAINTIFF,	*	PROCEEDING NO.
	*	
VS.	*	12-AP-00153-PMG
	*	
	*	
WELLS FARGO BANK, N.A.,	*	
	*	
DEFENDANT.	*	

JUDGMENT

The above-styled adversary proceeding having come before the Court, upon the pleadings and affidavits filed therein, and pursuant to Federal Rule of Bankruptcy Procedure 7012, it is

ADJUDGED:

1. The Court finds that the Plaintiff's homestead property has no equity to secure the third mortgage. The property is encumbered by a valid first mortgage, held by Wells Fargo Bank, N.A., in the amount of \$97,721.00 at the time of filing the petition. The property is also encumbered by a valid second mortgage, held by Wells Fargo Bank, N.A., in the amount of \$68,142.21 at the time of filing the petition. The Defendant holds a third mortgage that is wholly unsecured.

2. Claim No. 6-1 filed by Wells Fargo Bank, N.A. shall be treated as an unsecured claim in the Chapter 13 case.

3. The real property (the "Real Property") that is subject of the proceeding is located at 3172 Green Arbor Place, Jacksonville, FL 32277-2804, and more particular described as follows:

**ALL THAT CERTAIN LAND IN DUVAL COUNTY, FLORIDA, TO-WIT:
LOT(S) 16, BLOCK 50 OF COLONIAL PARK, UNIT 1 AS RECORDED IN PLAT
BOOK 32, PAGE 68, ET SEQ., OF THE PUBLIC RECORDS OF DUVAL
COUNTY, FLORIDA.**

4. The mortgage held by Wells Fargo Bank, N.A. recorded on November 9, 2006, at Book 13633, Page 1406, Instrument No. 2006391476 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Wells Fargo Bank, N.A.'s lien prior to the entry of the Debtor's discharge.

5. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be resorted as a secured debt.

Dated this 22 day of March, 2012 at Jacksonville, Florida.



PAUL M. GLENN
United States Bankruptcy Judge

Copies to:
King & Dolaghan, P.A., Attorney for Plaintiff
Wells Fargo Bank, N.A., Defendant
Douglas W. Neway, Trustee
U.S. Trustee

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 37518